



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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[www.berlinmd.gov](http://www.berlinmd.gov)



## Mayor

Wm. Gee Williams, III

## Vice President

Elroy Brittingham, Sr.

## Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

## BERLIN, MARYLAND

## MAYOR AND COUNCIL MEETING

## Town Attorney

David Gaskill

**MONDAY, DECEMBER 12, 2011**

## Town Administrator

Anthony J. Carson, Jr.

**COUNCIL CHAMBERS – BERLIN TOWN HALL**

**10 WILLIAM STREET**

**BERLIN, MD 21811**

EXECUTIVE SESSION .....NONE SCHEDULED

REGULAR SESSION .....7:00 PM

*Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144*

*TTY users dial 7-1-1 in the State of Maryland*

*TTY users outside Maryland dial 1-800-735-2258*

**BERLIN MAYOR AND COUNCIL  
COUNCIL MEETING  
AGENDA  
Monday, December 12, 2011**

**NO EXECUTIVE SESSION**

**7:00 PM      REGULAR SESSION – Berlin Town Hall Council Chambers**

1.    Approval of the Minutes for:  
     Regular Session of the Mayor and Council on November 28, 2011  
     Executive Session of the Mayor and Council on November 28, 2011  
     Statement of Closure for Mayor and Council on November 28, 2011
2.    Motion to Approve: Special Event exception New Year's Eve Ball Drop – Tony Carson
3.    Departmental Reports
  - a. Finance – Lynn Musgrave
  - b. Public Works – Mike Gibbons
  - c. Water Resources – Jane Kreiter
  - d. Electric – Tim Lawrence
  - e. Police – Arnold Downing
  - f. Planning and Zoning – Chuck Ward
  - g. Human Resources – Jeff Fleetwood
  - h. Economic and Community Development – Michael Day
4.    Town Administrator's Report
5.    Comments from the Mayor
6.    Comments from the Council
7.    Comments from the Public
8.    Comments from the Press
9.    Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Regular Session Council Minutes  
Monday November 28, 2011

The meeting of the Mayor and Council for Monday, November 28, 2011 was called to order by Mayor Williams at approximately 7:04 p.m. Council members Lynch, Hall, Brittingham and Purnell were present, as well as Town Administrator Tony Carson, Deputy Town Administrator Mary Bohlen, Administrative Assistant Sharon Timmons, Human Resources Director Jeff Fleetwood, Police Chief Arnold Downing, Finance Director Lynn Musgrave, Town Attorney David Gaskill, Planning and Zoning Director Chuck Ward, Water Resources Director Jane Kreiter, and Economic Community Development Director Michael Day. Councilmember Burrell, Director of Public Works Michael Gibbons and Electric Utility Director Tim Lawrence were absent.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for a motion to approve the Regular Session Minutes of November 14, 2011. Councilmember Lynch made a motion to approve the minutes and the council voted to approve 4-0 with 1 absent. Mayor Williams asked for a motion to approve the Executive Session Minutes of November 14, 2011. Councilmember Brittingham made a motion to approve the minutes and council voted to approve 4-0 with 1 absent. Mayor Williams stated that the Executive Session of November 14<sup>th</sup> was closed to discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal.

Mayor Williams announced the Public Hearing for Ordinance 2011-10, Ethics. This ordinance repeals and re-enacts Chapter 6 of the Town Code in its entirety. Mayor Williams opened the Public Hearing and asked for comments from anyone from the State, County or public. Hearing no comments, he asked the council for any comments. Councilmember Lynch inquired if the ordinance was a boiler plate from the State and could it be embellished upon if needed regarding procedures and policies for complaints. Town Attorney Gaskill stated that the ordinance was created by the State Ethics Commission and that the Town was required to comply and that this ordinance contained the minimum requirements. The policies and procedures were developed about a year and a half ago by the Berlin Ethics Commission. Councilmember Lynch then asked if the ordinance made mention to make any findings public and Town Attorney Gaskill replied that he believed it did, but would investigate to confirm. Being no further comments, Mayor Williams closed the public hearing and asked for a motion. Councilmember Lynch made a motion to approve Ordinance 2011-10 and council voted to approve 4-0 with 1 absent.

Mayor Williams announced the Public Hearing for Ordinance 2011-11, titled Alcoholic Beverages, concerning the consumption of alcoholic beverages on public property within the Town of Berlin. Mayor Williams opened the public hearing and asked for comments from the State or County. There being none, Mayor Williams asked for comments from the public. Gail Lewis inquired as to whom would be permitted to sell alcohol. Mayor Williams stated that non-profits would be eligible after they have been approved by the Town, the Commissioners of the Liquor License Board and have a liquor license from the Town and the only two events connected at this time would be Oktoberfest and New Year's Eve Ball Drop. Ms. Lewis inquired if anyone who has a business license could also have a permit to sell alcohol and Mr. Gaskill replied that this ordinance gives the council the discretion to approve such a request. Ms. Lewis then inquired about the possibility of expanding the area of street closures south to Donoway's so that the 7 businesses in that area are not shut out during town events. Mayor Williams asked Mr. Carson and Mr. Day to prepare a presentation to State Highway for consideration of the request. Chief Downing stated that for such a request to be approved, the Town would have to have a detour route and also designated parking. Councilmember Hall inquired if State Highway would have to approve the detour route and Chief Downing replied yes. Councilmember Purnell made a motion for Mr. Day, Mr. Carson and Chief Downing to contact State Highway to inquire the possibility of closing the intersection of Broad, William and Jefferson streets for events.

Olive Mawyer from the Chamber of Commerce stated that she approved the concept of expanding the street closure area since she had received complaints from those businesses that do not benefit from the closures. Elaine Brady, representing the Chamber of Commerce also supported the idea of extending the street closure area since she had received complaints regarding the area restrictions during the Octoberfest event. Mr. Lloyd Lewis commented that the ordinance makes no statement on the type of containers that are allowed and he suggested that the words "bottles and glass" be eliminated and "clear plastic containers" be inserted. Councilmember Purnell stated that the wording should be included in each permit. Mayor Williams suggested that the wording be included in the permit for when the Town signs off for approval. There being no further comments, Mayor Williams closed the public hearing and asked for any comments or questions from the council. Town Administrator Carson clarified that the Liquor Board can override the requirements and that the approval of the ordinance will not allow the Globe to expand their area already approved for alcohol sales on New Year's Eve and that her patrons will have to remain in the designated area established by the Liquor Board. The Globe will have to patrol their area to maintain so that no one leaves or enters the area with alcohol. Councilmember Lynch suggested that the ordinance say "the drinking of alcohol beverages in non-glass containers shall be permitted". Town Attorney David Gaskill read the most recent ordinance with the changes for clarification. Councilmember Purnell made a motion to approve Ordinance 2011-11 as amended adding the wording "non-glass containers shall be permitted" and council voted to approve 4-0 with 1 absent.

Town Administrator Tony Carson explained the schedule for the yard waste pickup which would be held on December 7<sup>th</sup> and December 14<sup>th</sup>.

Water Resources Director Jane Kreiter stated that Bunting Survey had completed many of the services associated with the 5 Mile Branch site and was requesting approval of the proposal in the amount of \$1,800 to complete the forest conservation plan for the county. Councilmember Brittingham made a motion to approve the proposal and council voted to approve 4-0 with 1 absent.

Departmental reports began with Finance Director Lynn Musgrave reporting that council would have their P&L statements by the end of the week.

Deputy Town Administrator Mary Bohlen explained that the town was working towards becoming a Certified Sustainable Community and asked the public to help by participating in the survey which is on the Town's website. She continued her report by explaining that as part of the Energy Efficiency Grant the Town had received, tinting had been completed on the windows, a new door had been installed on the Planning and Zoning department and a window in the conference room would be replaced. There will also be lighting improvements as part of the grant completed by the Electric department. Mayor Williams asked Ms. Bohlen to send out a press release regarding the survey.

Planning and Zoning Director Chuck Ward reported on the Walkable/Bikeable Berlin meeting to be held in the Chambers on December 5<sup>th</sup> from 3-5 p.m. Councilmember Lynch inquired if the Town had passed the required time for petitions so that letters could be sent out regarding boarded windows. Mr. Ward stated that the letters would be sent out this week.

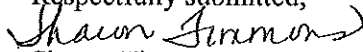
Economic and Community Development Director Michael Day reported strong sales and huge crowds over the Thanksgiving weekend. He continued by reporting that the Small Business Saturday would become a growing event. He also reported that the Christmas parade would be this Thursday and that this weekend would be the start of Victorian Christmas.

Town Administrator Tony Carson presented and requested approval of 5 purchase orders (201200460, 201201462, 201201460, 201201345 and 201201494). Councilmember Brittingham made a motion to approve all 5 purchase orders and council voted to approve 4-0 with 1 absent.

Mayor Williams asked for questions from the council. Councilmember Purnell thanked Chief Downing for the police presence on Broad Street concerning speeding.

Mayor Williams asked for comments from the public. There being no other questions, Mayor Williams announced that the council would be convening to Executive Session after adjournment. Councilmember Lynch made a motion to adjourn and the meeting ended at 7:54 p.m.

Respectfully submitted,

  
Sharon Timmons

Administrative Assistant

**TOWN ADMINISTRATOR'S REPORT**  
**12-12-11**

**Purchase Orders**

PO# 201201438 in the amount of \$2,514.55 to Berlin Automotive for new motor for Vehicle #27 at Water department.

PO# 201201606 in the amount of \$6,046.00 to Local Government Insurance Trust for liability insurance for new facility and equipment. Not budgeted in FY12.

PO# 201201464 in the amount of \$10,762.00 to Intercoastal Trading for soda ash.

**Updates**